IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.1070 OF 2007

IN

COMPANY PETITION NO.137 OF 1992

Smt.Santosh G.Agarwal ...Petitioner

Versus

Konkan Chemical Pvt.Ltd. ...Respondent

And

Maharashtra General Kamgar Union ...Applicant

V/s.

Official Liquidator ...Respondent

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Mr.N.M.Ganguli for Applicant.

Mr.S.Ramakantha, Dy.Official Liquidator is present.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 6, 2007.

P.C.

1. The relief claimed in this Application is for direction to the Official Liquidator to distribute dividends to the workmen under Section 529A of the Companies Act. According to the

Official Liquidator, the claim of the workmen was adjudicated on the earlier occasion. However, subsequently, the workmen have furnished new set of documents in support of their further claim. But the documents which are furnished are not sufficient to adjudicate the further claim of the workmen, is the stand taken by the Official Liquidator.

2. The Official Liquidator, if so advised, may call upon the workmen to furnish necessary documents in support of their claim within specified time and if the workmen fail to produce those documents, may proceed to pass appropriate orders as may be warranted. It is only after those aspects are considered by the Official Liquidator and the claim of the workmen is crystalised, the question of distribution of dividend will be relevant.

3. In the circumstances, this Application is disposed of with direction to the Official Liquidator to examine the claim of the workmen by giving fair opportunity to the workmen and take

appropriate final decision on the claim of the workmen within four weeks from today.

4. The workmen shall appear before the Official Liquidator on 17th December 2007 at 4.00 p.m. in the Office of the Official Liquidator and produce such material as they find appropriate. On that date, the Official Liquidator will indicate to the workmen and their representative, if any, further document to be furnished by them and give reasonable time to the workmen to produce the same and thereafter shall pass appropriate orders and adjudicate the claim of the workmen.

. Application disposed off on the above terms.

A.M.KHANWILKAR, J.